HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Miscellaneous Appeal No.168 of 2003

Appellant Claimant	Viyogi Hari, S/O Ratu Ram Yadav, aged 50 years, Caste – Mahakul, Occupation – Registered Medical Practitioner, Village – Ludeg, Tahsil – Pathalgaon, Dist. Jashpur (C.G.)

versus

Respondent's Driver/ Owner/Insurance Co.	1. Lawrence Minz, S/o Paskel Minz, aged 30 years, Caste – Urao, Village – Basen Goghar, Thana – Koyabel, Dist : Jashpur (C.G.) (Jeep No. D.D.V. 7992 Driver)
	2. Bimala Kujur Joje P. Kujur, Caste – Urao, resident – Vill. Bataikela, Tah. Bagicha, Dist. Jashpur (C.G.) (Registered owner Jeep No.D.D.V. 7992)
	3. New India Insurance Company Limited, Janakpuri, New Delhi-58, Branch No.320202 (Jeep No. D.D.V. 7992 Insurers)

Appeal under Section 173 of the Motor Vehicles Act

Present : Shri Anil Kumar Pandey, counsel for the appellant.
Shri Shree Kumar Agrawal, Senior Advocate with Shri Anand Gupta, counsel for respondent No.3.
Shri K.L.Daswani, Divisional Manager, New India Assurance Company Limited is also present in person before this Court.
None appears for other respondents.

ORAL ORDER

(Passed on 3rd August, 2007)

Heard.

(2) Being aggrieved by the impugned award dated 30-10-2002 passed by the Motor Accidents Claims Tribunal, Jashpur (henceforth

(21)

'the M.A.C.T.') in Claim Case No.32/2001, whereby a sum of Rs.56,800/- has been awarded towards compensation, the appellant/claimant has preferred this appeal for enhancement of the compensation.

(3) During the course of arguments, a settlement was arrived at whereunder the insurance company agreed to pay a sum of Rs.40,000/- in addition to the compensation already awarded by the M.A.C.T. by depositing the same within a period of two months from today.

(4) Shri Anil Kumar Pandey, learned counsel for the appellant/claimant agrees to the settlement.

(5) In view of the settlement arrived at, the award passed by the M.A.C.T. is modified and an additional sum of Rs.40,000/- over and above the sum already awarded by the M.A.C.T. is awarded as compensation to the appellant/claimant. The respondent No.3/insurance company shall deposit a sum of Rs.40,000/- with the M.A.C.T. within a period of two months from today, failing which, it shall also be liable to pay interest at the rate of 8% per annum from the date of application till realisation.

(6) With the aforesaid direction, the miscellaneous appeal stands disposed of. A copy of this order be sent to the M.A.C.T. forthwith.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Gopal